IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 7397 of 1997

Between:

S.Bal Kishan Rao, S/o.Late Bhagwant Rao,
R/o.Asifabad, Adilabad District.

..... PETITIONER

AND

1 The Andhra Pradesh Advocates' Welfare Fund Committee, Rep. by its Secretary, O/o. Bar Council of State of Andhra Pradesh, High Court Premises, Hyderabad.
2 The Chairman, Bar Council of Andhra Pradesh,
High Court Premises, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the Resolution dt:17th April 1992 passed by the first Respondent's Committee not to admit Advocates aged more than 65 years, as Members of the Advocates' Welfare Fund, as illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.H.VENUGOPAL

Counsel for the Respondents: A.P. BAR COUNCIL (Sri B. Narasimha Sharma)

The Court made the following :

ORDER:

This writ petition is filed by the petitioner seeking a declaration that the Resolution, dated 17.04.1992, passed by the First respondent-Committee, not to admit Advocates aged more than 65 years as members of the Advocates' Welfare Fund as illegal, arbitrary and without jurisdiction.

Learned counsel appearing for the Bar Counsel submitted that the Andhra Pradesh Advocates Welfare Fund Committee, passed a resolution dated 17-4-1992 resolving that advocates who crossed more than 65 years cannot be admitted as members of the Welfare Fund. It is further submitted that identical issue was considered by this Court in writ petition in W.P.20741 of 1994 and the same was dismissed by order dated 23rd September, 2004. The operative portion reads as under;

> " In the facts and circumstances of the case and in the light of the resolution passed on 17-04-1992 and in view of the admitted fact that the petitioner committed default for a particular year, I am of the opinion that there are no merits in the writ petition. Accordingly, the writ petition is dismissed."

Learned counsel appearing for petitioner did not dispute the same.

In the circumstances, Following the judgment passed in W.P.No.20741 of 1994, dated 23.09.2004, the writ petition is dismissed. There shall be no order as to costs

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23.03.2005

Jsu/Tvk
To

1 The Secretary, Andhra Pradesh Advocates' Welfare Fund Committee, O/o. Bar Council of State of Andhra Pradesh, High Court Premises, Hyderabad.
2 The Chairman, Bar Council of Andhra Pradesh,
High Court Premises, Hyderabad.

3 2 CD copies.